

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

Plaintiff,

v.

COMPLAINT

TRIPLE J FAMILY FARMS, LLC,

Defendant.

The United States of America, for its complaint, states and alleges as follows:

1. This Court has jurisdiction over this action pursuant to 29 U.S.C. § 216(b); 31 U.S.C. § 3701 *et. seq.* and 28 U.S.C. § 1345.

2. Plaintiff is the United States of America.

3. Defendant, Triple J Family Farms, LLC, (hereinafter “Triple J”) is a company operating in Renville County, State and District of Minnesota. Its last known address is in Buffalo Lake, Minnesota. Upon information and belief, John Derner is an officer of Triple J.

4. The Department of Labor Employment Standards Administration (hereinafter “DOL”) conducted an investigation of Triple J’s business, under the Fair Labor Standards Act, 29 U.S.C. 201, *et. seq.*, which covered operations from September 25, 2013, to September 24, 2015. The DOL’s investigation found monetary violations resulting in 304 employees owed back wages totaling \$54,397.38.

5. On or about October 10, 2016, John Derner, on behalf of Triple J, agreed to pay the \$54,397.38 in back wages owed to the 304 employees. A true and correct copy of

the Summary of Unpaid Wages is attached as **Exhibit A**. The back wages were to be paid by January 1, 2017. *See id.* at 2-52.

6. On or about April 24, 2017, the DOL notified Triple J it had yet to receive evidence of back payment to all employees and requested Triple J provide any evidence it had of additional payment and a cashier's check for the net amount of the due all unpaid employees. *Id.* at 1.

7. On or about May 15, 2017, the DOL notified Triple J it had failed to make all of the remaining payments as agreed upon by January 1, 2017, and that the entire unpaid balance was immediately due and payable. A true and correct copy of the May 15, 2017, letter is attached as **Exhibit B**. Triple J paid \$24,502.80 to 113 employees but failed to pay unpaid wages to the remaining 191 employees. *Id.* at 3-10. As a result, Triple J continued to owe \$29,894.58 in unpaid wages. *See id.*

8. On or about June 15, 2017, the DOL sent a Final Debt Notice to Triple J demanding full and immediate payment of \$29,894.58 reflecting the back wages of 191 unpaid and/or unlocated employees. A true and correct copy of the June 15, 2017, letter is attached as **Exhibit C**. The demand for \$29,894.58 does not include the \$24,502.80 that Triple J paid to 113 employees in connection with the October 2016 Summary of Unpaid Wages. *See id.* at 4-8; *see also* Ex. A at 2-52.

9. Although demands for payments have been made, the defendant has not complied.

10. As of September 9, 2020, the defendant owes the United States an unpaid principal balance of \$50,751.77, which includes \$29,894.58 in principal, \$1,281.78 in pre-judgment interest, \$6,098.50 in penalties and \$13,476.91 in administrative costs. Interest continues to accrue on the unpaid balance of the principal debt in the amount of one (1) percent per annum. A true and correct copy of the Certificate of Indebtedness is attached as **Exhibit D**.

WHEREFORE, the Plaintiff United States of America demands judgment against defendant in the sum of \$29,894.58 in principal, plus prejudgment interest to September 9, 2020, in the amount \$1,281.78, \$6,098.50 in penalties and administrative costs in the sum of \$13,476.91, together with additional prejudgment interest, postjudgment interest, attorney's fees and costs as allowed by law and, pursuant to 28 U.S.C. § 2412, costs in the amount of \$400.00.

Dated: October 27, 2020

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